

REMARKS

Applicants have cancelled claims 2-8, 9-13, and 15-23 and offered new claims 44-66 with this amendment. Upon entry of the amendment, claims 1, 14, and 24-66 remain pending. Claims 44-66 largely parallel claims 1-23. The claims have been amended for clarity and to further define the invention.

Support for new claims 44-66 can be found in the specification and claims as originally filed. For example, as just mentioned, the subject matter of claims 44-66 largely parallels that of original claims 1-23. Applicants respectfully request entry of the amendments.

Telephonic Interview with Examiner Brittain

Applicants would like to thank Examiner Brittain for the courtesies extended to Applicants' representative in a telephonic interview on April 15, 2002. Examiner Brittain clarified that the amendments Applicants made in the corresponding international case in response to a written opinion were not of record in the current U.S. case. Specifically, the paper filed October 27, 2000 in the international case was not entered into the corresponding U.S. national application filed. Examiner Brittain indicated that claims 1-43 are in the U.S. case, and that any amended claims will go in at 44 and higher.

Applicants wish to clarify that the current amendment is being offered to bring the claims into conformance with the state of the claims in the corresponding international application. No new matter is being added by this amendment. Applicants appreciate the Examiner's stated willingness to consider such an amendment at this time.

Oath/Declaration

The Office Action stated the oath or declaration filed in the case was defective because non-initialed alterations were made to the oath or declaration. Furthermore, there were discrepancies in the section of the declaration where foreign priority was claimed.

Applicants will submit a newly executed declaration when the inventors have reviewed the current amendment. The declaration will to the U.S. national stage application as filed together with the claims in the current amendment. Applicants believe the new oath will be in compliance with 37 CFR 1.52(a).

Double Patenting

Claims 31-34 were objected to in the Office Action as being a substantial duplicate of claims 9-12. Claims 9-12 have been cancelled. New claims 52-55 correspond to original claims 9-12, but have amended to recite that the nanotubes have a free standing end which is free of the surface. Applicants believe that the amendments are sufficient to remove the objection for “double patenting” under 35 USC §101. Accordingly, Applicants respectfully request that the objection be withdrawn and the claims passed to allowance.

Priority

The current application has been amended to claim priority from a U.S. provisional filing and the international application claiming the benefit of the provisional filing. Because the application was filed before November 29, 2000, the claim for priority may be made at any time during pendency of the application. Accordingly, Applicants believe the amendment to the specification is proper and suffices for claiming priority to the provisional and international applications.

Allowable Subject Matter

In the Office Action, claims 1-30 and 35-43 were allowed and claims 31-34 were objected to for being a substantial duplicate to allowed claims. Claims 1, 14, and 24-43 remain in the case. As discussed above, new claims 44-66 largely parallel and correspond in scope to allowable claims 1-23, and the double patenting objection no longer applies to the amended claims. Accordingly, Applicants believe that new claims 44-66 are allowable for the reasons stated in the Office Action. Applicants respectfully request that new claims 44-66 be passed to allowance.

CONCLUSION

For the reasons discussed above, Applicants that claims 1, 14, and 24-66 are in an allowable condition and respectfully request an early notice of such allowance. The Examiner is invited to telephone the undersigned if that would be helpful to resolving any issue.

Respectfully submitted,

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